(Million Dollars)

Year	India	China
1999	2,168	40,319
2000	2,319	40,772
2001	3,403	46,846

(c) to (e) Investment decisions are dependent upon the foreign/ NRI investor's commercial judgement which in turn, are guided by several factors like market fundamentals/potential, competitive advantage, infrastructure, raw material availability etc. In its endeavour to attract higher foreign/NRI investment, the Government reviews the FDI policy on a continuous basis with a view to providing internationally competitive investment climate in terms of policy framework, procedures and institutions.

Patenting the Cow Urine

1083. DR. AKHILESH DAS: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether after Neem, Turmeric and Basmati Rice comes a claim for patenting under WTO regime Cow Urine for its medicinal insecticide and cleansing qualities and even the method of producing Atta (flour) for US and foreign researchers and entrepreneurs has been put forward; and

(b) if so, Government's reaction thereto for protecting India's claims for the strictly Indian know-how traditional modes?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI CHENNAMANENI VIDYASAGAR RAO): (a) and (b) No patent on cow urine *per se* has been granted. Patent number 6,410,059 granted on June 25, 2002 by the United States Patent and Trademark Office to the Council of Scientific and Industrial Research (an autonomous organisation under the Department of Scientific and Industrial Research, Government of India) relates to a pharmaceutical composition comprising an antibiotic and cow urine distillate in an amount effective to enhance the anti-microbial

effect of the anti-biotic. The grant of this patent has no adverse implications on usage of cow urine for therapeutic purposes in India.

Further, patent number 6,098,905 granted on August , 2000 by the United States Patent & Trademark Office to M/s Con Agra relates to a "method for producing an atta flour." The said patent does not affect the use of atta chakkis and method of producing atta in India.

Patents are granted under the sovereign prerogative of countries according to their respective Patent Laws and have territorial effect, that is, they are effective only in the country of grant. However, as and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned. Earlier a patent granted in the United States of America on the use of turmeric in wound healing was successfully challenged and was also cancelled by the patent office of the country concerned. Similarly, a patent on the fungicidal property of neem, granted in Europe, was successfully challenged. The claims of the patent on Basmati Ricelines and grains granted in the United States of America which had the potential of affective India's commercial interests were challenged. The said claims were subsequently cancelled by the United States Patent & Trademark Office and the title of the patent was also amended. A patent is normally challenged by the person(s) whose interests are affected/jeopardised.

In order to protect traditional knowledge from being patented, provisions have been incorporated in the Indian patent law through the Patents (Amendment) Act, 2002 to include anticipation of invention by available local knowledge including oral knowlege, as one of the grounds for opposition as also for revocation of patent. An invention which, in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components has also been made non-patentable. Government is also developing a digital database of traditional knowledge in the field of medicinal plants in order to prevent patents being granted incorrectly on such knowledge.